



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Sommers et al.
TITLE : **METHOD AND APPARATUS FOR
TRI-COLOR RAIL SIGNAL
SYSTEM WITH CONTROL**
APPLICATION NO. : 10/753,580
FILED : January 8, 2004
CONFIRMATION NO. : 6610
EXAMINER : Daniel Previl
ART UNIT : 2636
LAST COMMUNICATION : November 28, 2005
ATTORNEY DOCKET NO. : GLOZ 2 00153
Cleveland, OH 44114

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner
mailed **November 28, 2005** finally rejecting claims 1-4, 7-14 and 17-22.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00

3. **EXTENSION OF TERM**

01/30/2006 HGUTERR1 00000078 10753580

500.00 OP

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☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a -month extension of time up to and including in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee: \$500.00
 Extension of Time Fee: \$.00

5. **METHOD OF PAYMENT**

☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
 MINNICH & McKEE, LLP

1/27/06
 Date

Scott A. McCollister
 Scott A. McCollister, Reg. No. 33,961
 Marina V. Zalevsky, Reg. No. 53,825
 1100 Superior Avenue, Seventh Floor
 Cleveland, OH 44114-2579
 216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being
☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature <i>Christie L. Cermak</i>
Date <i>1-27-06</i>	Printed Name Christie L. Cermak